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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/314,966

**Applicant(s)**

ALI ET AL.

**Examiner**

Simon Sing

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 8, 11, 14, 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1 Claims 1, 11, and 18: The limitation “securing a voice message” is recited, however, these claims fail to point out what is a secured voice message and how to make a voice message secure.

1.2 Claim 8: Since claim 1 fails to point out what is a secured voice message and how to make a voice message secure, therefore, it is not clear what is a security status.

1.3. Claims 14 and 21: It is not clear how a non-existing voice message can be secured (securing before recording).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky US 5,559,860.

2.1 Regarding claim 1, Mizikovsky discloses cellular phone with user selectable response to an incoming calls in figure 1, comprising:

a phone interface (Rx and Tx front ends 32 and 24);

a controller 40;

a pre-stored caller ID information memory 46 to pre-store caller ID information associated with a caller who is authorized (assigned to a predetermined response category) to leave (note: a voice message stored in a voice recorder is secured since it is stored in a non-volatile memory medium, such as a cassette tape) a voice message (column 6, lines 18-30,51-60);

a voice message memory adapted to store a plurality of voice messages (a telephone answering machine inherently has a voice memory) (column 6, lines 51-60);

a voice (secured) message authorization module (caller ID processor 44) adapted to allow a caller to leave (secure) a voice message upon matching an incoming caller ID with a pre-stored caller ID (column 6, lines 18-30, 51-60).

2.2 Regarding claim 11, Mizikovsky discloses a method for storing (securing) a voice message in a telephone answering machine (single mailbox), comprising the steps of:

receiving (downloading) a caller ID associated with a caller (column 11, lines 19-28);

comparing the caller ID with to a group of pre-stored caller IDs (column 6, lines 18-30, 51-60); and

upon matching the received caller ID with a pre-stored caller ID, recording (securing) a voice message for access by the user (the user is inherently authorized to playback his/her voice messages) of the telephone answering machine to playback sthe voice message (column 6, lines 51-60).

2.3 Regarding claim 18, Mizikovsky discloses a system for storing (securing) a voice message in a telephone answering machine (single mailbox), comprising:

means (antenna 30, decoder 36 and CPU 40) for receiving (downloading) a caller ID associated with a caller (column 11, lines 19-28);

means (caller ID processor 44) for comparing the caller ID with to a group of pre-stored caller IDs (column 6, lines 18-30, 51-60); and

means (telephone answering machine 50) for storing (securing) a voice message upon matching the received caller ID with a pre-stored caller ID, for access by the user (the user is inherently authorized to playback his/her voice messages) of the telephone answering machine to playback the voice message (column 6, lines 51-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-13, 15, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess US 6,359,970 in view of Mizikovsky US 5,559,860.

3.1 Regarding claim 1, Burgess discloses a communication controller in figures 1 and 10, which is can be applied and implemented in a telephony device, such as a telephone answering machine (column 4, lines 14-19), comprising:

a telephone line interface (a telephony device, such as a telephone answering machine, inherently has a telephone line interface);

a controller 1006 (figure 10);

a pre-stored caller ID information memory (ROM 1008; column 11, lines 39-41) to pre-store caller ID information associated with a caller, who is assigned a priority level, and based on his/her caller ID, and is authorized (allowed) to leave a voice message (note: a voice message stored in a telephone answering machine is secured since it is stored in a non-volatile memory medium) at a time specified by the user of the telephone answering machine, (column 5, lines 36-40; column 6, lines 8-17; column 7, lines 50-59, 67; column 8, lines 1-5; column 9, lines 3-10, 14-16);

a voice message memory adapted to store a plurality of voice messages (voice memory of a telephone answering machine);

a voice (secured) message authorization module (caller ID identification functions 103) adapted to allow a caller to leave (secure) a voice message upon matching an incoming caller ID with a pre-stored caller ID (column 9, lines 3-10, 14-16).

Burgess teaches authorizing a caller to leave a voice message based not just on matched caller ID, but the priority level (derived from caller ID) and time of the day.

However, Mizikovsky discloses a user selectable response to an incoming call for a mobile station connected to a telephone answering machine (accessory 50) in figure 1. Mizikovsky teaches a caller ID memory 46 for pre-storing caller IDs, a caller ID processor 44 for comparing a caller ID of an incoming call to the pre-stored caller IDs, and if the incoming caller is one of a group designated for answering machine, the caller of the incoming call is routed to the answering machine (column 6, lines 18-30, 51-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burgess' reference with the teaching of Mizikovsky, so that a caller would have been authorized to leave a voice message solely based the caller ID, because using which criteria (caller ID only, or caller ID plus time) for sending a caller to the telephone answering machine would have been a matter of design choice.

3.2 Regarding claim 2, a telephone answering machine inherently has a playback/recording module adapted to record a voice message.

3.3 Regarding claim 7, as discussed in claim 1, the modified Burgess reference teaches sending a call to the answering machine to leave a voice message based on caller IDs (information relating to the caller).

3.4 Regarding claim 8, a voice message inherently has a header information, such as time of the day a voice message is recorded.

3.5 Regarding claim 9, Burgess teaches a call related information (caller ID) detector/receiver to detect and received caller IDs (column 11, lines 64-67; column 12, line 1).

3.6 Regarding claim 10, as discussed in claim 1, the modified Burgess reference teaches comparing a pre-designated caller ID for authorizing a caller to leave a voice message.

3.7 Regarding claim 11, Burgess discloses a method for recording (securing) a voice message with telephone answering machine (implemented with a communication controller shown in figures 1 and 10; see column 4, lines 14-19), comprising the steps of:

receiving (downloading) a caller ID associated with an incoming call (column 5, lines 36-40; column 11, lines 64-67; column 12, line 1);



comparing the received caller ID with pre-stored call IDs (column 11, lines 39-41; column 6, lines 8-17); and

upon matching the received caller ID with a pre-stored caller ID and a time specified by the user of the telephone answering machine, authorizing the caller of the incoming call to record (secure) a voice message (column 7, lines 50-59; 67; column 8, lines 1-5; column 9, lines 3-10, 14-16).

Burgess teaches authorizing a caller to leave a voice message based not just on matched caller ID, but the priority level (derived from caller ID) and time of the day.

However, Mizikovsky discloses a user selectable response to an incoming call for a mobile station connected to a telephone answering machine (accessory 50) in figure 1. Mizikovsky teaches a caller ID memory 46 for pre-storing caller IDs, a caller ID processor 44 for comparing a caller ID of an incoming call to the pre-stored caller IDs, and if the incoming caller is one of a group designated for answering machine, the caller of the incoming call is routed to the answering machine (column 6, lines 18-30, 51-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burgess' reference with the teaching of Mizikovsky, so that a caller would have been authorized to leave a voice message solely based the caller ID, because using which criteria (caller ID only, or caller ID plus time) for sending a caller to the telephone answering machine would have been a matter of design choice.

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3.8 Regarding claims 12 and 13, it is inherent that when a voice message is recorded, it is secured (stored in a non-volatile memory medium).

3.9 Regarding claim 15, Burgess teaches that if the caller ID is not received in first place, a caller is prompted to enter his/her caller ID (column 5, lines 60-64).

3.10 Regarding claim 18, Burgess discloses a telephone answering machine (implemented with a communication controller shown in figures 1 and 10; see column 4, lines 14-19), for recording (securing) a voice message, comprising:

means for receiving (downloading) a caller ID associated with an incoming call (column 5, lines 36-40; column 11, lines 64-67; column 12, line 1);

means for comparing the received caller ID with pre-stored call IDs (column 11, lines 39-41; column 6, lines 8-17); and

means (tape or memory of the telephone answering machine) authorizing the caller of the incoming call to for record (secure) a voice message upon matching the received caller ID with a pre-stored caller ID and a time specified by the user, (column 7, lines 50-59; 67; column 8, lines 1-5; column 9, lines 3-10, 14-16).

Burgess teaches authorizing a caller to leave a voice message based not just on matched caller ID, but the priority level (derived from caller ID) and time of the day.

However, Mizikovsky discloses a user selectable response to an incoming call for a mobile station connected to a telephone answering machine (accessory 50) in figure

1. Mizikovsky teaches a caller ID memory 46 for pre-storing caller IDs, a caller ID

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processor 44 for comparing a caller ID of an incoming call to the pre-stored caller IDs, and if the incoming caller is one of a group designated for answering machine, the caller of the incoming call is routed to the answering machine (column 6, lines 18-30,51-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burgess' reference with the teaching of Mizikovsky, so that a caller would have been authorized to leave a voice message solely based the caller ID, because using which criteria (caller ID only, or caller ID plus time) for sending a caller to the telephone answering machine would have been a matter of design choice.

3.11 Regarding claims 19 and 20, it is inherent that when a voice message is recorded, it is secured (stored in a non-volatile memory medium).

3.12 Regarding claim 22, Burgess teaches that if the caller ID is not received in first place, a caller is prompted to enter his/her caller ID (column 5, lines 60-64).

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess US 6,359,970 in view of Mizikovsky US 5,559,860 and further in view of Knuth et al. US 5,400,393.

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4.1 Regarding claim 3, the modified Burgess reference, teaches sending a caller, based on a group of pre-designated caller IDs, to the telephone answering machine to leave a voice message, but fails to teach a security code table relating an ability of the caller to separately store the voice message.

However, Knuth discloses a telephone answering machine in figures 1 and 3. Knuth teaches a plurality access code which enables a caller to store a voice message in different storage area (column 6, lines 60-63; column 10, lines 45-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Burgess' reference, which was modified by Mizikovsky, with the teaching of Knuth, so that the telephone answering machine would have comprised a security code table for storing caller IDs and an access code enabling a caller to separately stored a voice message, because such a modification would have enabled the modified telephone answering machine to separately store voice messages for different recipients.

3.2 Regarding claim 4, the modified Burgess reference, teaches a code table for storing access code which enabling a caller to store a voice message in a separated memory area, but fails to teach a code for allowing a user of the telephone answering machine to access to the separately stored voice message.

However, Knuth further teaches a remote access code which enables an owner/user of the telephone answering machine to remotely access the telephone

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answer machine and retrieve a voice message left by the caller (column 6, lines 37-46,55-59; column 11, lines 9-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Burgess' reference, which was modified by Mizikovsky, with the further teaching of Knuth, so that the security code table would have comprised a remote code (security code), because such a modification would have enabled the owner/user of the telephone answering machine to remotely retrieve voice messages.

3.3 Regarding claim 5, as discussed in claim 3, the security code table comprises caller IDs.

3.6 Regarding claim 6, the modified Burgess reference, teaches sending a caller, based on a group of pre-designated caller IDs, to the telephone answering machine to leave a voice message, but fails to teach a security code entered by the caller to separately store the voice message for one of a plurality of users of the telephone answering machine.

However, Knuth discloses a telephone answering machine in figures 1 and 3. Knuth teaches a plurality access code which enables a caller to store a voice message in different storage area (column 6, lines 60-63; column 10, lines 45-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Burgess' reference, which was

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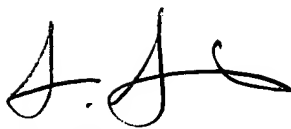
modified by Mizikovsky, with the teaching of Knuth, so that the telephone answering machine would have comprised a security code table for storing caller IDs and an access code enabling a caller to separately stored a voice message, because such a modification would have enabled the modified telephone answering machine to separately store voice messages for different recipients.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-15 and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

08/03/2005



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**